

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COOKEVILLE DIVISION**

Terry Richardson, individually and d/b/a)
Terry Richardson Concrete, LLC)
) Case No. 2:12-cv-0109
Plaintiff,)
) Judge Sharp
v.) Magistrate Judge Griffin
)
Mack Mechanical, Inc. and American Safety)
Casualty Insurance Company,)
)
Defendants)

DENIAL OF DEFAULT

Pending is Plaintiff's Application to Clerk for Entry of Default against Defendants Mack Mechanical, Inc. and American Safety Casualty Insurance Company (Docket Entry No. 37). The application is denied as those Defendants filed an Answer on April 22, 2013 (Docket Entry No. 39). Though the filing was outside of the time period required by law, the Clerk declines to enter default absent a showing of prejudice as a result of the late filing of Defendant's Answer, which was not pled by the Plaintiff and is not found by the Clerk. Default is not to be granted lightly. "Judgment by default is a drastic step which should be resorted to only in the most extreme cases." *United Coin Meter Co., Inc. v. Seaboard Coastline RR.* 705 F.2d 839 (6th Cir. 1983).

s/ Keith Throckmorton
Keith Throckmorton
Clerk of Court